
SCOTTISH STATUTORY INSTRUMENTS

2010 No. 208

The National Health Service (General Dental Services) (Scotland) Regulations 2010

PART III
REMUNERATION

Statement of Dental Remuneration

22.—(1) The Scottish Ministers shall, after consultation with such organisations as appear to them to be representative of persons providing general dental services, make provision for each of the matters set out in Column 2 of the following Table in a determination and each determination shall bear the number in Column 1 of the said Table which corresponds with the subject matter of the determination:—

TABLE

<i>Column 1</i> <i>Determination</i>	<i>Column 2</i> <i>Subject Matter of Determination</i>
I	A Scale of Fees which shall prescribe the remuneration to be paid to a contractor, other than a salaried dentist, for care and treatment under a continuing care arrangement or a capitation arrangement, treatment on referral and occasional treatment and the conditions of payment of remuneration.
II	Rates of remuneration for a salaried dentist and for the provision of emergency dental services.
III	Seniority payments
IV	Vocational training allowances.
V	Maternity, paternity and adoptive leave payments.
VI	Long term sickness payments.

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<i>Column 1</i> <i>Determination</i>	<i>Column 2</i> <i>Subject Matter of Determination</i>
VII	Continuing professional development allowances
VIII	Reimbursement of non-domestic rates
IX	Commitment payments
X	Allowances and grants for practice improvements
XI	Clinical audit allowances
XII	Remote area allowances
XIII	Recruitment and retention allowances
XIV	Practice allowances
XV	Reimbursement of practice expenses

(2) The Scottish Ministers shall publish the determinations in a statement called the Statement of Dental Remuneration.

(3) The Scottish Ministers may from time to time after consultation with organisations as appear to them to be representative of persons providing general dental services, amend a Determination or any part thereof and shall publish any such amendment.

(4) A Determination or an amendment to a Determination shall be in respect of a period beginning on or after a date specified in that Determination or amendment, which may be the date of that Determination or amendment or an earlier or later date, but may be an earlier date only if, taking the Determination as a whole, it is not detrimental to persons to whose remuneration it relates.

Approval of payments

23.—(1) The SDPB shall, where it is satisfied that—

- (a) a patient has been accepted by a contractor, other than a salaried dentist, under a continuing care arrangement or a capitation arrangement or for treatment on referral, authorise the payments which, in accordance with the Scale of Fees, fall to be made by the Agency to the contractor in respect of such an arrangement or referral; or

- (b) a continuing care arrangement or a capitation arrangement has terminated, or treatment on referral has terminated or has been completed, authorise the Agency to cease such payments to the contractor.

(2) The SDPB shall, where it approves a claim for remuneration made by a contractor, other than a salaried dentist, in respect of—

- (a) care and treatment under a continuing care arrangement or a capitation arrangement;
- (b) treatment on referral; or
- (c) occasional treatment;

authorise in accordance with the Scale of Fees, the remuneration to be paid by the Agency to the contractor in respect of such care and treatment, treatment on referral, or occasional treatment.

(3) In any case falling within paragraph 15 of Schedule 1 (inability to complete treatment), the SDPB shall authorise the remuneration to be paid by the Agency to a contractor, other than a salaried dentist, in respect of the care and treatment or occasional treatment provided in accordance with the Scale of Fees, and without prejudice to the provisions of the National Health Service (Dental Charges) (Scotland) Regulations 2003(1).

(4) The Agency shall pay to a contractor, other than a salaried dentist, the remuneration—

- (a) authorised by the SDPB under paragraphs (1)(a), (2) and (3); and
- (b) (i) in the case of a dentist (who is a contractor) in accordance with Determinations III, V, VI, VII, VIII, IX, Parts II and III of X, XI, XII, XIII, XIV and XV of the Statement of Dental Remuneration; or
- (ii) in the case of a dental body corporate in accordance with Determinations VIII, IX Parts II and III of X, XI, XIV and XV of the Statement of Dental Remuneration.

(5) A Health Board shall pay to a person providing emergency dental services remuneration in accordance with Determination II of the Statement of Dental Remuneration.

(6) The SDPB may at its discretion in cases of orthodontic care and treatment, authorise payments on account pending completion of that care and treatment.

(7) Where the SDPB has authorised a payment to a pilot scheme provider for providing personal dental services to a patient, it shall not authorise any payment under these Regulations in relation to the same patient to the same pilot scheme provider, or to any dentist performing personal dental services in connection with that pilot scheme, unless the patient has been referred under these Regulations for treatment by way of personal dental services under that pilot scheme.

Drugs

24. The fees payable by a Health Board to a contractor in respect of listed drugs under paragraph 24 of Schedule 1 for use before a supply can otherwise be obtained under paragraph 24 of that Schedule, shall be calculated in accordance with the provisions of the Drug Tariff prepared by the Scottish Ministers under regulation 9 of the National Health Service (Pharmaceutical Services) (Scotland) Regulations 2009(2), or under any corresponding provision replacing, or otherwise derived from, those regulations.

Recovery of overpayments

25.—(1) Where the SDPB, the Agency or a Health Board considers that it has made a payment to a person owing to an error or in circumstances where it was not due, it shall, except to the extent that the Scottish Ministers on the application of the SDPB, the Agency or the Health Board direct

(1) S.S.I. 2003/158 as amended by S.S.I. 2004/101, 2005/121 and 2006/131.

(2) S.S.I. 2009/183 as amended by S.S.I. 2009/209 and 2010/128.

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otherwise, draw the overpayment to the attention of the person to whom that payment was made and the amount overpaid shall be recoverable as a debt by any lawful means.

(2) Recovery of an overpayment under the provisions of this regulation shall be without prejudice to the investigation of an alleged breach of the terms of service.